

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

USAMA JAMIL HAMAMA, et al.,

Petitioners and Plaintiffs,

v.

REBECCA ADDUCCI, et al.,

Respondents and Defendants.

Case No. 2:17-cv-11910
Hon. Mark A. Goldsmith
Mag. David R. Grand
Class Action

**STIPULATED ORDER LIFTING THE PRELIMINARY INJUNCTION
(ECF 110) FOR WESAM GELYANA YAKO**

Undersigned counsel stipulate and agree that this Court issue and enter this Order lifting the stay of enforcement of removal for WESAM YAKO, only.

The bases for the order are as follows:

1. In October 2016, Mr. Yako, an Iraqi national, was ordered removed from the United States by the Immigration Court.

2. On or about June 11, 2017, Mr. Yako was arrested by ICE agents in Detroit; he has been detained since that date.

3. Mr. Yako has consulted with counsel about his prospects for immigration relief, his rights under the Preliminary Injunction in this case, and his prospects for relief from detention. The declaration of Ronald E. Kaplovitz, a lawyer who gave him advice on these matters, is attached as **Exhibit A**.

4. Mr. Yako sent Mr. Kaplovitz a letter indicating that he seeks prompt removal to Iraq. The letter is attached as **Exhibit B**.

5. The parties believe that Mr. Yako's waiver is knowing and voluntary, and provides an appropriate basis for this Court to lift the Preliminary Injunction as to him, only.

Therefore undersigned counsel stipulate and agree and the Court hereby orders the following:

It is ORDERED that the stay of the enforcement of removal be lifted for WESAM YAKO. Therefore, ICE may effectuate his order of removal.

SO ORDERED.

Dated: October 16, 2017
Detroit, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on October 16, 2017.

s/Karri Sandusky
Case Manager

SO STIPULATED.

Date: October 4, 2017

/s/Miriam J. Aukerman (with consent)

Miriam J. Aukerman (P63165)
American Civil Liberties Union Fund Of
Michigan
1514 Wealth St., SE
Grand Rapids, MI 49506
(616) 301-0930
maukerman@aclumich.org

/s/Kimberly L. Scott

Kimberly L. Scott (P69706)
Wendolyn Wrosch Richards (P67776)
Cooperating Attorneys, ACLU Fund
of Michigan
Miller, Canfield, Paddock
& Stone, PLC
101 N. Main St., 7th Floor
Ann Arbor, MI 48104
(734) 668-7696
scott@millercanfield.com

/s/William C. Silvis (with consent)

William C. Silvis
Assistant Director
United States Department of Justice
Office of Immigration Litigation
District Court Section
PO Box 868 Ben Franklin Station
Washington, DC 20044
Tel: (202) 307-4693
Fax: (202) 305-7000
William.Silvis@usdoj.gov

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
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DECLARATION OF RONALD E. KAPLOVITZ, ESQ.

I, RONALD E. KAPLOVITZ, make this statement under the penalties of perjury of the laws of the United States and if called to testify I could and would do so competently based upon my personal knowledge as follows:

1. I am a lawyer admitted to practice in the state of Michigan. I have substantial experience in the area of immigration law.
2. On or about June 11, 2017, Mr. Wesam Yako was detained by Detroit ICE agents as a previously deported Iraqi national. I was retained by Mr. Yako to file a Motion to Reopen with the Immigration Court, which was denied by the Immigration Court on June 21, 2017.
3. My client was advised of his right to appeal but declined appealing to the Board of Immigration Appeals.
4. On or about September 11, 2017, I was contacted by Detroit Chief Counsel Catherine Pincheck regarding an issue regarding Mr. Wesam Yako.
5. I contacted my client's family who arranged to have Mr. Yako telephone me from the Northeast Ohio Correctional Center in Youngstown, Ohio.
6. During our phone conversation, Mr. Yako advised me that he wanted to return to Iraq and did not want to contest his case or remain incarcerated.
7. At my request, Mr. Yako forwarded to me a letter authorizing me to assist him in arranging his removal to Iraq.
8. Mr. Yako is an Iraqi national, with a final order of removal that existed on June 24, 2017. Therefore, it is my understanding that he is a putative class member in the Hamama

litigation, temporarily protected from removal by the Preliminary Injunction granted in that case on July 24, 2017. His A# is [REDACTED].

9. Mr. Yako had expressed interest in waiving coverage by the Preliminary Injunction and seeking prompt removal to Iraq. The conversation I had with him was to provide assurance that any such waiver was knowing and voluntary.
10. I communicated in English, a language Mr. Yako understood without difficulty. I believe that my communication with Mr. Yako was effective.
11. On the basis of my conversation with Mr. Yako considering the information I conveyed and his responses to me, I believe that he wishes to be promptly removed to Iraq, and that this waiver of the protections provided by the Hamama Preliminary Injunction is both knowing and voluntary.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge.

Executed this 2nd day of October, 2017 in Sylvan Lake, Michigan.

Respectfully submitted,

A handwritten signature in black ink, consisting of a series of loops and strokes, positioned above a horizontal line.

RONALD E. KAPLOVITZ (P36889)

EXHIBIT B

MR. WESAM YAKO
A [REDACTED]
NORTHEAST OHIO CORRECTIONAL CENTER
2240 HUBBARD ROAD
YOUNGSTOWN, OH 44505

September 12, 2017

Mr. Ronald Kaplovitz
2057 Orchard Lake Rd.
Fylyan Lake, MI 48320

RE: ICE Deportation Case

Dear Mr. Kaplovitz:

Pursuant to our most recently conversation, I want to reiterate my desire to have you represent me with my current ICE case. As you know, I want to be removed from the ACLU's class action protection against deportation in order to be able to voluntarily depart from the United States; as I was prepared and processed for prior to Judge Goldsmith's injunction order preventing any deportations to Iraq.

I have enclosed an authorization form allowing you to pursue my legal issues, and to discuss my case with any individuals necessary to affectuate my departure. Please let me know if you need any further information or documents from me or my family.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Wesam Yako', with a horizontal line drawn underneath it.

Wesam Yako

Enclosures (1)

WY/ngs

cc: File

DECLARATION OF AUTHORIZATION

TO WHOM IT MAY CONCERN:

I, WESAM YAKO, A [REDACTED], do hereby authorize as my legal counsel, MR. RONALD KAPLOVITZ, 2057 ORCHARD LAKE RD., FYLVAN LAKE, MI 48320, to represent me and my interests with regard to my ICE deportation proceedings and overall case; and furthermore, I do authorize Mr. Kaplovitz to discuss my case with any necessary court and court officers/officials, any government agency, any other legal counsel, the ACLU, the media and any other entity that Mr. Kaplovitz deems necessary in the course of performing his legal duties and responsibilities in my case.

L. Sharper 9/13/17
Staff of Ohio
Probationing County
Commissioner Expires 3/4/2020



Wesam Yako, A [REDACTED]
Northeast Ohio Correctional Center
2240 Hubbard Road
Youngstown, OH 44505